

Alabama Environmental Management  
Commission Meeting dated February 20, 2015

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<p style="text-align: right;">Page 29</p> <p>1 is April 17, 2015, at 11 a.m. in this  2 room. I understand all Commissioners are  3 currently available to be here.  4 Moving on to the public-comment  5 period, we have a request from State  6 Representative Oliver L. Robinson, Jr. on  7 behalf of concerned citizens working and  8 residing in north Birmingham regarding  9 the proposed addition of the 35th Avenue  10 site in north Birmingham to the EPA's  11 National Priority List and the impacts  12 thereof.  13 The Chair recommends that the  14 Commission vote in favor of hearing from  15 Representative Robinson and will  16 entertain a motion.  17 VICE CHAIRMAN PHILLIPS: So  18 moved.  19 DR. LAIER: Second.  20 CHAIRMAN BROWN: All in favor.  21 (Unanimous.)  22 CHAIRMAN BROWN: After that, we  23 will have Mitch Reid on behalf of the</p>	<p style="text-align: right;">Page 31</p> <p>1 Environmental Protection Agency to have  2 the City of Tarrant and Inglenook  3 neighborhood designated as Superfund  4 sites. And both of these locations were  5 in my legislative district, and I have  6 been called by constituents to have  7 questions answered and to understand  8 better the process of them becoming --  9 being on the Superfund site. That led  10 me, as the vice chairman of the Jefferson  11 County House delegation, to do some  12 research on the Superfund designations  13 and the NPL listings and to look at the  14 North Birmingham 35th Avenue area  15 location with some fervor.  16 And I've had an opportunity to meet  17 with the EPA and the GASP organization  18 who are involved in this process, but I  19 have yet to see any information that  20 shows me that this area should be  21 designated as a Superfund site, not to  22 mention being put on the NPL listing.  23 And maybe I can get some of those answers</p>
<p style="text-align: right;">Page 30</p> <p>1 Alabama Rivers Alliance speak on the  2 subject of Coal Ash Regulation and the  3 recently released federal regulations on  4 that issue. The Chair recommends we  5 consider granting the request for comment  6 and will entertain a motion.  7 VICE CHAIRMAN PHILLIPS: So move.  8 DR. LAIER: Second.  9 CHAIRMAN BROWN: All in favor.  10 (Unanimous.)  11 CHAIRMAN BROWN: To  12 Representative Robinson and Mr. Reid, as  13 you know, we prefer that you limit your  14 comments to ten minutes. And we will  15 hear from Representative Robinson first,  16 if that's okay.  17 REPRESENTATIVE ROBINSON: Thank  18 you very much, Mr. Chairman and members  19 of the Commission. I promise you I'll  20 keep it under ten.  21 I'm here today because of the 35th  22 Avenue North Superfund Site. And there  23 have been petitions provided to the</p>	<p style="text-align: right;">Page 32</p> <p>1 from this body or -- or ADEM.  2 I'm really here today to try to  3 protect the residents of north  4 Birmingham. To date, after meeting with  5 everybody, there's been no reports  6 produced to me or for me by the EPA  7 that's available to the public that  8 accurately states who is responsible for  9 that contamination. And one company --  10 Walter Coke -- in the area has accepted  11 responsibility for what they have -- the  12 part that they have contaminated. But  13 the thing that gets me and what is in the  14 process of hurting the residents in that  15 area is that the EPA has included five  16 other corporations in on this process,  17 but there has been no reports stating  18 that these individuals are culpable in  19 any way. And where that hurts the  20 residents is the fact that we will have  21 decades of litigation that will occur  22 because of these five individual  23 companies being added to Walter Coke.</p>



<p style="text-align: right;">Page 33</p> <p>1 And that is where it all begins for 2 the residents, because at that point, I 3 can tell you from the responses that I've 4 been getting is that, number one, their 5 property values have plummeted. And in 6 doing so, we've had a couple of -- or 7 more -- to go to our tax assessor's 8 office in Jefferson County and ask 9 whether their tax burdens can be reduced 10 because of the Superfund's site 11 designation and the -- the decline in 12 their property value. And that can't 13 happen and sorry that it can't, but the 14 tax assessors cannot do anything to help 15 them in any way from that perspective. 16 That is hurting them bad. 17 The thing that we want more than 18 anything is to find out or to get a 19 fingerprint of who actually contaminated 20 that area, and we haven't received that 21 yet from the EPA. And I think that's 22 what is creating this litigation, number 23 one, and the time that it's going to take</p>	<p style="text-align: right;">Page 35</p> <p>1 if you're put on that listing, then where 2 you live is considered a dump and nothing 3 can happen there until it's either 4 cleaned up and after that, it will take 5 tremendous investment to get it to move 6 forward. 7 And just in closing, again, 8 Mr. Chairman and members, my request here 9 today is if ADEM has the ability or if 10 there are any reports out there that -- 11 that they can share that will help us to 12 narrow down who's responsible, then that 13 will be very helpful for the residents in 14 my area. And, finally, Mr. Chairman, 15 if -- if at all possible, I may have a 16 question or two because you-all know more 17 about this than I do and ever will. But 18 if I could present those questions 19 through written format that they will be 20 answered for. 21 So that is my statement here today, 22 and I thank you-all for giving me the 23 opportunity to make those statements.</p>
<p style="text-align: right;">Page 34</p> <p>1 for this to be resolved. I'm hoping that 2 this body, along with ADEM, can come, if 3 there are current reports or current 4 ways, to let us know through testing or 5 whatever that can be done to find out who 6 is culpable in this situation. And if 7 all five or six are and we can determine 8 that, then let's move forward and -- and 9 with posthaste. 10 But if we can't do that, then let's 11 get those out that we can't identify so 12 that we can reduce the number of people 13 that's involved from that perspective. 14 These individuals, they can't rent the 15 properties, they can't sell the 16 properties, and, actually, it's against 17 the law if they go out and turn the dirt 18 on their own property because of this 19 designation as a Superfund site. And it 20 will be even more if it goes to be put on 21 the NPL list, because at that point, 22 wherever you're living, it's considered a 23 dump. That's what it is. If you are --</p>	<p style="text-align: right;">Page 36</p> <p>1 CHAIRMAN BROWN: Thank you. Does 2 anybody have any questions for 3 Representative Robinson or any comments? 4 (No response.) 5 REPRESENTATIVE ROBINSON: Thank 6 you very much. 7 CHAIRMAN BROWN: Thank you. 8 Would the -- I guess I'd like to say, 9 Representative, first, thank you for 10 being here and we appreciate your concern 11 on the -- on behalf of the citizens of 12 Birmingham. And I think, as reflected in 13 the record, that ADEM's comments to EPA, 14 I think a lot of your concerns that you 15 have raised are shared by the Department 16 and, by extension, the Commission. And 17 Director LeFleur is the man to ask for 18 any information that you need, and you 19 can always feel free to contact us as 20 well. But that's the most efficient 21 source. 22 REPRESENTATIVE ROBINSON: All 23 right. Thank you very much.</p>